

Appl. No. 10/045,724
Amendment dated June 9, 2005
Reply to Office Action of February 9, 2005

Remarks/Arguments

Claims 1-20 are pending and stand rejected on varying grounds under §102(b) and 103(a).

Claim 18 has been amended to clarify the claim language. No new matter has been added by the amendment.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-20 and withdraw the rejection of these claims.

a) Applicant notes with appreciation that the Examiner has considered the art listed on and returned an initialed copy of form 1449.

b) Claims 1, 2, 5, 8, 9, 11-12 15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tessler et al (USPN 5,629,868).

Claims 1, 11, and 18 are in independent form with other claims dependent on the closest lower numbered independent claim.

The present invention deals with various aspects of obtaining appropriate commands from a web site for effecting a desired function by an intelligent device. Claim 1 defines a method that includes defining in a wireless internet access device (WIAD) a desired function to be performed by the intelligent device, notifying the web site of the intelligent device and desired

Appl. No. 10/045,724
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function through a wireless communication network, returning to the WIAD from the web site a subset of control instructions for controlling the intelligent device to perform the desired function and forwarding the subset of control instructions to the intelligent device all as specifically claimed. It is noted that Applicant is not claiming all approaches for programming a remote control; rather only those methods and apparatus specifically defined by the claims.

Tessler et al. concerns programming a remote control with appropriate data to control a selected appliance and may be viewed as related art. According to Tessler et al. this is done automatically (col. 2, lines 15-16) and includes selecting an appliance and responsive to a "teach" command sent by the remote control 39 to a subscriber station 18 (also described variously as a terminal and a converter/controller circuit (col. 5, line 4)) from the remote control, the corresponding control sequences are retrieved from a local memory (at the subscriber station) and transmitted to the remote control (see col. 2, lines 42-46). The subscriber station obtains control sequences from a Cable TV head end 3 via some scheme (selecting sets of control data as they are broadcast).

The Examiner construes the TV remote control as a wireless internet access device and the subscriber station as a web site. In Applicant's view this is not a proper construction of these entities. Nothing in Tessler et al. ever mentions or otherwise suggests that the remote control is a web access device and similarly nothing suggests that the subscriber station or terminal could or would ever be construed as a web site.

Analyzing claim 1 in more detail given the Examiner's construction, the element "defining in a wireless internet access device (WIAD) a desired function to be performed by the

Appl. No. 10/045,724
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“intelligent device” is not shown by Tessler et al. as construed by the Examiner. For example, in addition to the problem with construing a remote control as a WIAD, the defining is not done in the remote control. The remote control merely indicates to the subscriber device a particular selection, thus the defining while perhaps initiated by the remote control, is done in the subscriber device.

The element “identifying the intelligent device and the desired function to a web site having access to control instructions for the intelligent device by the WIAD, through a wireless communication network” suffers from the problem that whatever else the subscriber station may be it clearly is not a web site. The remote control evidently does identify the device and possibly desired function to the subscriber device, however this is not done over a communication network (a wireless link is not a communication network).

The element “returning, to the WIAD from the web site, a subset of the control instructions for controlling the intelligent device to perform the desired function” suffers from the problem that the instructions while returned to the remote control are not returned from a web site, i.e., the subscriber station is not a web site.

Referring to claim 11 a WIAD is defined that interacts via a communication network with a web site to identify an intelligent device and desired functionality and thus obtain an appropriate response with control instructions from the web site all as claimed. As noted earlier the system of Tessler et al and specifically the remote control and the subscriber station are clearly not a WIAD or web site, respectively and thus Tessler et al. does not show or suggest the claimed WIAD.

Appl. No. 10/045,724
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Referring to claim 18 a web site is defined that interfaces with a WIAD via a communication network to facilitate providing appropriate commands to control an intelligent device. Tessler et al. does not show or suggest any such web site and the subscriber device of Tessler et al. is not subject in good faith to being construed as a web site. Furthermore any interaction between the remote control and subscriber station is not via a communication network, but rather via an IR link.

For at least the reasons noted above, all elements of the claimed inventions are not shown or suggested by Tessler et al., and thus this reference does not support a 102(b) rejection of independent claims 1, or 11, or 18 or by virtue of dependency claims that are respectively dependent thereon. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 2, 5, 8, 9, 11-12 15 and 17-20 under 35 U.S.C. 102(b) based on Tessler et al (USPN 5,629,868).

c) Claims 3, 4, 6, 7, 13, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tessler et al. in view of Maymudes (USPN 6,748,278).

Claims 3, 4, 6, and 7 are dependent on claim 1 and claims 13, 14, and 15 are dependent on claim 11. Maymudes does not supply the teachings that are believed to be missing from Tessler et al and thus claims 1 and 11 are believed to be allowable over these references whether taken alone or together. Thus at least by virtue of dependency claims 3, 4, 6, 7, 13, 14, 15 should also be allowable. Therefore, Applicant respectfully requests that the Examiner reconsider and

Appl. No. 10/045,724
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withdraw the rejection of claims 3, 4, 6, 7, 13, 14, 15 under 35 U.S.C. 103(a) based on Tessler et al. in view of Maymudes (USPN 6,748,278).

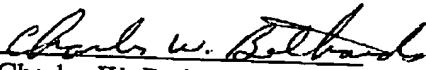
d) Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tessler in view of Baun et al (US 2003/0197930).

Claim 10 is dependent on claim 1 and claim 1 is believed to be allowable over these references. Thus at least by virtue of dependency, claim 10 should also be allowable. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 10 under 35 U.S.C. 103(a) based on Tessler in view of Baun et al (US 2003/0197930).

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited reference of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable other than the one month extension fee separately noted, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-3435.

Respectfully submitted,


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